

REMARKS

Claims 3, 6-21 and 23-57 are pending in the application. No claims are amended, added, or canceled.

Claims 3, 6-21 and 23-57 stand rejected under 35 U.S.C. §103(a) as unpatentable over Borella et al. (US Patent No. 6,731,642, "Borella") in view of Yan et al. (US Patent Pub. No. 2005/0018651, "Yan"), Harris et al. (US Patent Pub. No. 2003/0212795, "Harris") and Gu et al. ("US Patent No. 6,892,230, "Gu").

As a preliminary matter, it is respectfully submitted that the Office Action fails to clearly communicate findings and conclusions of obviousness as required by the MPEP. As emphasized by the MPEP, "It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply." MPEP §706.02(j). In particular, the Office Action should set forth: (A) the relevant teachings of the prior art relied upon, (B) the differences in the claim over the applied references, (C) the proposed modification of the applied references necessary to arrive at the claimed subject matter, and (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification. *Id.* The vague and confusing rejection of all of Applicant's Claims under 35 U.S.C. §103(a) using a combination of four separate references does not give Applicant a fair opportunity to reply to the alleged rejections. At the very least, the Office Action does not describe either the differences in the Claims over the applied references or the proposed modifications of the applied references necessary to arrive at the claimed subject matter. For example, the Office Action makes

no attempt to describe how the confirmation time-out of Yan, port mapping timeout of Harris, or subscription timeout of Gu are combined with themselves and with Borella to teach all features recited in Applicant's claims.

Accordingly, it is respectfully requested that the obviousness rejections be substantially clarified to conform to the standards set forth in the MPEP or withdrawn. For the additional reasons below, Applicant respectfully requests that the obviousness rejections be withdrawn.

The Office Action fails to establish a *prima facie* case of obviousness at least because the references, even when combined, do not teach or suggest all features recited in Applicant's Claims. See MPEP §2143. Claims 9 and 10 recite, *inter alia*, "preventing the port from timing out by repeatedly sending subsequent messages from the destination over the Internet to the intermediate point." The Office Action concedes that Borella is silent with regard to preventing a port from timing out. The Office Action further asserts that Borella teaches "repeatedly sending subsequent messages from the destination over the Internet to the intermediate point." However, it is respectfully submitted that Borella, even applying the interpretation offered in the Office Action, does not teach or suggest this feature.

The Office Action at page 3 notes that the "callee" of Borella teaches Applicant's "destination." Further, the Office Action appears to note that the "cascade of registration messages" (first, second, and third registration messages) of Borella teaches Applicant's claimed "repeatedly sending subsequent messages from the destination over the Internet to the intermediate point." However, in distinct contrast to the Office Action's

interpretation, Borella explicitly teaches that the first, second, and third registration messages are not sent from the callee. Instead, the first registration message is sent from the first telephony interface 22 to the first router 18, the second registration message is sent from the first router 18 to the first gatekeeper 30, and the third registration message is sent from the first gatekeeper 30 to the server 34, thereby forwarding the caller station number and private caller address from the first telephony interface 22 to the server 34. Borella at Col. 7, ll. 23-49. Not one of the first, second, or third registration messages of Borella is sent from the callee. Thus, applying the interpretation in the Office Action, Borella does not teach repeatedly sending messages from the callee/destination.

Confusingly, page 3 of the Office Action then appears concede that Borella is silent regarding “receiving a response to a request within a time-out period and preventing a port from timing-out by repeatedly sending subsequent messages via destination over Internet and timeout period restarts upon arrival at intermediate point of a message from the destination.” (emphasis added). Although Applicant is unclear about the meaning of this statement, the Office Action appears to assert the combination of Yan, Harris, or Gu as describing “repeatedly sending subsequent messages from the destination over the Internet to the intermediate point.” However, as discussed below, these references, either alone or in combination, fail to remedy the noted deficiencies of Borella.

Both Yan and Gu refer to timeout periods related to discovery or registration between two entities. Yan describes doubling a discovery time-out period if discovery confirmation has not been received by a multi-media terminal adapter (MTA) 30. Yan at

¶0138. Gu describes sending a re-subscribe message from a UCP (User Control Point) to a Universal Plug-n-Play CD (Controlled Device) before a timeout expires. Gu at Col. 37, ℓ. 26 – Col. 38, ℓ. 67. Both Yan and Gu refer to timeout periods related to discovery or registration between two entities. Neither Yan nor Gu teach or suggest repeatedly sending subsequent messages from a destination over the Internet to an intermediate point to prevent a port from timing out.

Harris describes a client system 105 preventing a NAT device 110 timeout by periodically sending messages out to the external network 120. Harris at ¶0019. Similar to Borella, the messages of Harris are not sent from the destination (the callee of Harris, according to the Office Action interpretation) to the intermediate point. Instead, the client systems 105, 125 on private networks periodically send messages to a mapping maintenance server 150 or to each other. Harris at ¶¶0026, 0035. It is submitted that the maintenance server 150 does not repeatedly send messages over the Internet to a NAT device 110. Thus, the combination of Yan, Gu, and Harris fails to remedy the noted deficiencies of Borella.

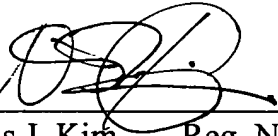
Accordingly, in view of the deficiencies in the cited references, it is respectfully requested that the obviousness rejections of Claims 9-10 be withdrawn.

Claims 16-17 and 24-25 also distinguish over the cited references for at least the reasons discussed above. It is submitted that the remaining dependent claims are each patentable at least by virtue of their dependence without need to rely upon the further patentable limitations contained therein. Accordingly, withdrawal of the obviousness rejections is respectfully solicited.

Further, it is respectfully noted that the obviousness rejections rely on improper assertions of inherency. For example, while conceding that Borella is silent on “time-out function associated with an intermediate point,” the Office Action at page 3 asserts that “it is inherent that a router includes a timer associated with a port interface, wherein an associated time-out is applied.” As noted by the MPEP, “[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic... Inherency, however, may not be established by probabilities or possibilities.” (MPEP §2112(IV), emphasis in original). The Office Action provides no basis in fact or technical reasoning to support the determination that the allegedly inherently characteristics necessarily flow from the teachings of the applied prior art. *See Id.* (emphasis in original). Accordingly, it is respectfully submitted that the assertions of inherency are improper and must also be withdrawn.

For at least the reasons discussed above, Applicants respectfully submit that the present application is in condition for formal allowance. Accordingly, an early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,



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